

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: December 2, 2004

Signature: _____

(Richard H. Anderson)

Docket No.: 30732/39953
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of:
Sumio Ono et al.

Application No.: 10/801,192

Confirmation No.: 5138

Filed: March 16, 2004

Art Unit: 3754

For: MATERIAL SUPPLY SYSTEM

Examiner: F. C. Nicolas

**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned, having power of attorney from the Assignee, Heishin Sobi Kabushiki Kaisha (d/i/b/a Heishin Ltd.), has executed this document on behalf of petitioner, Heishin Sobi Kabushiki Kaisha (d/i/b/a Heishin Ltd.). Petitioner is a Japanese corporation, located at 1-1-54, Misakihommachi, Hyogo-ku, Kobe, Hyogo-Pref., Japan 652-0852, and is the owner of 100% interest in the instant application, as shown by the Assignment recorded September 14, 2004, at Reel 015125, Frame 0886. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer of Patent No. 6,799,698. Petitioner is the owner of 100% interest in U.S. Patent No. 6,799,698 as shown by the Assignment recorded on February 9, 2004, at Reel 014959, Frame 0333. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,799,698 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the Patent No. 6,799,698, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The Commissioner is hereby authorized to charge the Terminal Disclaimer fee (\$55.00) to Deposit Account No. 13-2855, referencing 30732/39953.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereof.

Dated: December 2, 2004

Respectfully submitted,

By Richard H. Anderson

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